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EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



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16 **UNITED STATES BANKRUPTCY COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 In re:

20 **PG&E CORPORATION,**

21 **- and -**

22 **PACIFIC GAS AND ELECTRIC COMPANY,**

23 **Debtors.**

24 Affects PG&E Corporation
 Affects Pacific Gas and Electric Company
 Affects both Debtors

25 * *All papers shall be filed in the Lead Case,
No. 19-30088 (DM).*

Case No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

26 **ORDER APPROVING
STIPULATION AND AGREEMENT
FOR ORDER BETWEEN
DEBTORS AND DAN CLARKE
FOR RELIEF FROM THE
AUTOMATIC STAY**

27 Related to Dkt Nos. 2823, 3113, 3136,
5768-69, 5771-72

1 The Court having considered the *Stipulation and Agreement for Order Between Debtors*
2 and *Dan Clarke for Relief from the Automatic Stay* (the “**Stipulation**”),¹ entered into by PG&E
3 Corporation and Pacific Gas and Electric Company, as debtors and debtors in possession
4 (collectively, the “**Debtors**”), on the one hand, and Dan Clarke (“**Clarke**”), on the other, filed on
5 March 4, 2020 [Dkt. No. 6070], and pursuant to such stipulation of the Parties, and good cause
6 appearing,

7 IT IS HEREBY ORDERED THAT:

8 1. The Stipulation is approved.

9 2. Effective as of the later of the date of entry of this Order or March 10, 2020,
10 the automatic stay shall be modified as follows with respect to the Marina Case:

11 a. To permit Clarke to prosecute the Marina Case through final judgment
12 and any appeals thereof, with the exception that Clarke shall not be
13 permitted to seek any discovery regarding claims arising from the
14 former “Cannery” Manufactured Gas Plant (“**Cannery Claims**”)
15 unless and until the District Court grants any motion by Clarke to
16 amend his complaint to add Cannery Claims, provided that if such
17 motion is granted prior to June 1, 2020, Clarke shall not be permitted
18 to seek discovery regarding Cannery Claims prior to June 1, 2020
19 other than through requests for production of documents;

20 b. To permit any actions by the Debtors necessary to comply with any
21 injunctive relief ordered by the District Court, including any payment
22 by the Debtors of any monies necessary to comply with such
23 injunctive relief, and to further permit any enforcement by Clarke of
24 any such relief.

25
26
27 ¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them
28 in the Stipulation.

1 3. Effective as of the later of the date of entry of this Order or March 10, 2020,
2 the automatic stay shall be modified as follows with respect to the Cannery Case:

3 a. To permit Clarke to commence and prosecute the Cannery Case
4 through final judgment and any appeals thereof, with the exception
5 that Clarke shall not be permitted to seek any discovery in the Cannery
6 Case until the earlier of: (i) the filing of an answer by the Debtors, or
7 (ii) a decision by the District Court on any motion by the Debtors
8 under Rule 12 of the Federal Rules of Civil Procedure;

9 b. To permit any actions by the Debtors necessary to comply with any
10 injunctive relief ordered by the District Court, including any payment
11 by the Debtors of any monies necessary to comply with such
12 injunctive relief, and to further permit any enforcement by Clarke of
13 any such relief.

14 4. With respect to the Marina Case and the Cannery Case, the automatic stay
15 shall remain in place as to any monetary awards issued by the District Court to Clarke or any other
16 person or entity, including but not limited to any awards for reimbursement of attorneys' fees and
17 costs, expert witness fees, and/or civil penalties or exemplary damages. Clarke shall seek to recover
18 any such monetary awards only through the claims process in these Chapter 11 Cases, and shall be
19 prohibited from seeking relief from the automatic stay to recover or enforce any such awards in any
20 other manner. Nothing herein shall be construed to be a waiver by the Debtors of any right to object
21 on any grounds to any claim submitted by Clarke in these Chapter 11 Cases.

22 5. The Stipulation is without prejudice to any aspect of the underlying Marina
23 Case or Cannery Case, and nothing herein shall be construed to be a waiver by the Debtors or Clarke
24 of any claims, defenses, or arguments with respect to the same (including without limitation any
25 such arguments in support of or in opposition to any motion or discovery request permitted or
26 contemplated by the Stipulation).

27 6. The Motions are withdrawn and the Hearings are vacated.
28

7. The Stipulation, as well as the limited relief from the automatic stay as provided herein, are effective as of the date of entry of this Order, notwithstanding any contrary effect of Federal Rule of Bankruptcy Procedure 4001(a)(3).

8. The Stipulation shall be binding on the Parties and each of their successors in interest.

9. The Stipulation shall constitute the entire agreement and understanding of the Parties relating to the subject matter hereof and supersede all prior agreements and understandings relating to the subject matter hereof.

10. The Court shall retain jurisdiction to resolve any disputes or controversies arising from the Stipulation or this Order.

*** END OF ORDER ***

Approved:

GROSS KLEIN LLP
BELVEDERE LEGAL, PC

|*s/ Stuart G. Gross*

Stuart G. Gross

Attorneys for Dan Clarke